

1405 Nickell Street
Sauget, IL 62206

144959
Phone: (618)274-2990
Fax: (618)332-2115

August 14, 1992

Mr. Chris N. Cahnovsky
Environmental Protection Specialist
Field Operations Section
Division of Land Pollution Control
2009 Mall Street
Collinsville, IL 62234

RE: Sauget Warehouse/Lang Okeh Tire Co.

Dear Chris:

Pursuant to our many conversations with regard to the above, the following is an update relating to the litigation.

- A permanent restraining order will be filed within a week or so which will prohibit Richard Lang from bringing any more tires into the warehouse. He is currently prevented from bringing tires in under a Temporary Restraining Order (attached).
- Richard Lang is scheduled to appear in court on August 17, 1992 as a result of the Complaint in Forcible Entry and Detainer which was filed on August 3, 1992.
- On August 17, 1992 our attorney will ask the court to order the tires removed within a specific period of time as part of the eviction proceeding.

Once the order has been entered with regard to specifics, I will forward same to your office.

I appreciate your assistance and sincerely thank you for taking time to walk me through this process.

Sincerely,


Brenda L. Johnson

Enclosures

RECEIVED
IEPA

AUG 18 1992

COLLINSVILLE OFFICE

007163

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

SAUGET WAREHOUSE TRUST,

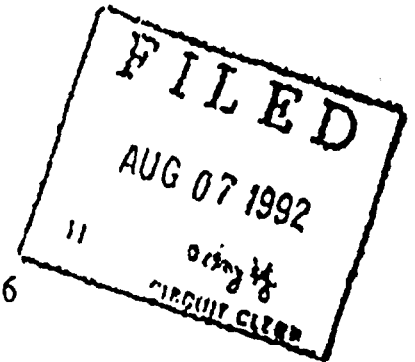
Plaintiff,

vs.

RICHARD LANG,
d/b/a LANG O.K. TIRE,

Defendant.

No. 92-LM-0936



EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Now comes the Plaintiff, SAUGET WAREHOUSE TRUST, by and through its attorney, KASSLY, BONE, BECKER, DIX, REAGAN & YOUNG, P.C., and as an emergency proceeding, moves this Court to temporary restrain and adjoin the Defendant, RICHARD LANG, d/b/a LANG O.K. TIRE, from transporting, delivering, or storing any additional tires at Bay 13 of the Sauget Warehouse located at 1401 Mississippi Avenue, Sauget, Illinois 62206. As grounds for and in support of this motion, Plaintiff states as follows:

1. That the property located at 1401 Mississippi Avenue, Sauget, Illinois, is owned by the Sauget Warehouse Trust, whose beneficiary is Charlotte Sauget.
2. That the Defendant currently occupies and operates his business out of Bay 13 of said warehouse.
3. That on August 3, 1992 this Plaintiff filed suit against this Defendant to terminate the lease and to recoup delinquent rent payments.
4. That a court date regarding Plaintiff's Complaint is currently set for August 17, 1992.

RECEIVED
IEPA

AUG 18 1992

COLLINSVILLE OFFICE

007164

5. That the Plaintiff has been informed by the Illinois Environmental Protection Agency that the Defendant, RICHARD LANG, d/b/a LAND O.K. TIRES, was in violation of the Illinois Environmental Protection Act pertaining to used and waste tire storage facilities. (A copy of correspondence from the Illinois Environmental Protection Agency is attached hereto and marked as Exhibit A).

6. A temporary restraining order should issue in this case due to the immediate need for relief sought. The Defendant is currently engaged in the process of storing used tire at the property in question in violation of the Illinois Environmental Protection Act. There are already numerous tires that have been stored there by the Defendant in violation of the Act and Plaintiff fears that additional tires may be stored there again in violation of the Act unless the Defendant is restrained from doing so. Further, the requested temporary restraining order should issue without notice and without bond because irreparable damage will result to Plaintiff before notice could be served and a hearing had thereon.

7. Plaintiff has no adequate remedy at law.

8. Under the circumstances, it is advisable that the Defendant be precluded from storing any additional tires at the property in question until the merits of this matter are considered by this Court.

WHEREFORE, the Plaintiff requests this Court to issue a temporary restraining order, without previous notice to Defendant and without bond, temporary restraining and adjoining the Defendant, from transporting or storing any additional tires at Bay 13 of the Sauget Warehouse located at 1401 Mississippi Avenue, Sauget, Illinois 62206.

93234061538

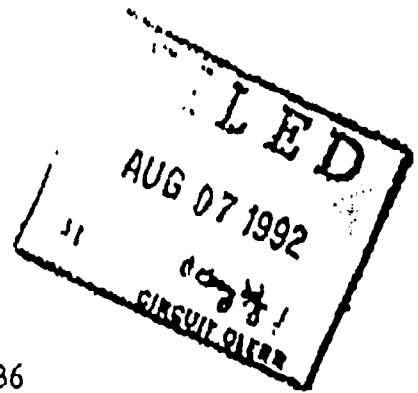
J. Michael Weilmuenster
IL No: 06197044

007166

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing same in an envelope addressed to such attorneys at their business addresses as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office mail box in Belleville, Illinois on the 2nd day of August, 1992.

Chen Facewin

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS



SAUGET WAREHOUSE TRUST,

Plaintiff,

vs.

No. 92-LM-0936

RICHARD LANG,
d/b/a LANG O.K. TIRE,

Defendant.

ORDER

The cause coming on for hearing on Plaintiff's Emergency Motion for Temporary Restraining Order and the court being fully advised in the premises,

IT IS HEREBY ORDERED:

That Plaintiff's motion is granted and the Court will issue a Temporary Restraining Order, without previous notice to the Defendant, and without bond, Temporarily Restraining and Adjoining the Defendant, RICHARD LANG, d/b/a LANG O.K. TIRE, from transporting or storing any additional tires at Bay 13 of the Sauget Warehouse located at 1401 Mississippi Avenue, Sauget, Illinois 62206. This Order shall remain in effect until 8/17/92.

So Ordered this 7th day of August, 1992

Robert M. Lang
JUDGE

007167